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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,003	05/14/2001	Chii-How Chang	DE 2309.02 US	1199
22867	7590	06/04/2004	EXAMINER	
			CHU, KIM KWOK	
		ART UNIT		PAPER NUMBER
		2653		14
DATE MAILED: 06/04/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/855,003	CHANG, CHII-HOW	
	Examiner	Art Unit	
	Kim-Kwok CHU	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Amendment filed on 3/17/04 (paper 13).
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 and 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 and 13-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

Response to Remarks

1. Applicant's Remarks (paper 13) filed on March 17, 2004 have been fully considered.

(a) Referring to claims 1-11, 13-20 and 23, Applicant does not agree that the prior art of Kasahara's U shape assembly is a yoke (page 7 of the Remarks; lines 15-17). Accordingly, a newly found prior art of Kume is cited;

(b) Referring to claims 21, 22 and 24, Applicant does not agree that the prior art of Mitsumori's moveable element is not attached to a permanent magnet, a tracking coil and a focusing coil (page 9 of the Remarks, lines 18 and 19). Accordingly, a newly found prior art of Lee et al. is cited; and

(c) Although Applicant does not agree that the prior art of Kasahara's U shape assembly is a yoke (page 7 of the Remarks; lines 15-17), Applicant's yoke 1 or yoke 2 as illustrated in Fig. 5 of the specification is just a metallic frame which can be considered as an integrated part of the lens holder.

Claim Objections

2. Claim 6 is objected to because of the following informalities:

(a) in claim 6, line 2, the term "said magnet assembly" should be changed to --said magnetic assembly-- accordingly to claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States..

4. Claims 1-11 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kume et al. (U.S. Patent 5,541,899). Kume teaches a magnetic position device having all the elements and means as recited in claims 1-11 and 13. For example, Kume teaches the following:

(a) as in claim 1, a movable element 12 having a yoke assembly 16a (Fig. 2; column 4, lines 10 and 11);

(b) as in claim 1, a fixed element 20a, 21a adjacent to the movable element 12 for generating a magnetic field to control the movable element 12 to be moved toward a position (Fig. 4);

(c) as in claim 1, the fixed element 20a, 21a having a magnetic assembly which comprises one or more permanent magnets 17b connects to a second yoke assembly 16b configured to generate a magnetic filed (Fig. 4);

(d) as in claim 2, a first coil 20b for generating a first motive force in a first direction in response to the magnetic flux of the magnetic field (Fig. 4);

(e) as in claim 2, a second coil 21b for generating a second motive force in a second direction in response to the magnetic flux of the magnetic field (Fig. 4);

(f) as in claim 3, the second coil 21b is perpendicular to the first coil 20b (Fig. 4);

(g) as in claim 4, the second direction is perpendicular to the first direction (Fig. 4; inherent feature where a tracking direction is perpendicular to a focusing direction);

(h) as in claim 5, the first and second coil are winded around the second yoke assembly 16b (Fig. 4);

(i) as in claim 6, the magnetic assembly comprises a plurality of permanent magnets 17a and 17b (Fig. 4);

(j) as in claim 7, the movable element 12 is capable of being moved along the first direction by the first motive force

acted on the yoke assembly (Fig. 2, focusing direction is the first direction) ;

(k) as in claim 8, the movable element 12 is capable of being moved along the second direction by the second motive force acted on the yoke assembly (Fig. 2, tracking direction is the second direction) ;

(l) as in claim 9, the first coil 20b is a focusing coil (Fig. 4) ;

(m) as in claim 10, the second coil 21b is a tracking coil (Fig. 4) ;

(n) as in claim 11, the yoke assembly comprises two yokes 16a and 16b being mounted on two opposite sides of the movable element 12 respectively (Fig. 4) ; and

(o) as in claim 13, the movable element 12 comprises an optical lens 11 (Fig. 4) .

5. Claims 14-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kume et al. (U.S. Patent 5,541,899).

Kume teaches a magnetic position device having all the elements and means as recited in claims 14 and 15. For example, Kume teaches the following:

(a) as in claim 14, a movable element 12 having a first yoke assembly 16a (Fig. 2; column 4, lines 10 and 11);

(b) a fixed element adjacent to the movable element 12 for generating a magnetic field and having coil assembly 19a, wherein the coil assembly generates a motive force in response to the magnetic flux of the magnetic field to control the movable element 12 movement toward a position (Fig. 2);

(c) as in claim 15, the coil assembly comprises a focusing coil and a tracking coil (Fig. 2; column 4, lines 36-40); and

(d) as in claim 16, the fixed element further comprises a second yoke assembly 16b and a magnet assembly 17b connected with the second yoke to generate the magnetic field (Fig. 3).

6. Claims 17 and 18 have limitations similar to those treated in the above rejection, and are met by the reference as discussed above.

7. Claims 19 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kume (U.S. Patent 5,541,899).

Kume teaches an objective lens driver having all the elements and means as recited in claim 19. For example, Kume teaches the following:

- (a) as in claim 19, a movable element 12 having an objective lens 11 comprises a first yoke 16a assembly (Fig. 2; column 4, lines 10 and 11);
- (b) as in claim 19, a fixed element 20a, 20b adjacent to the movable element 12 configured to generate a magnetic force to move the movable element 12 toward a position (Fig. 2);
- (c) as in claim 19, the fixed element 20b comprising a second yoke assembly 16b (Fig. 2);
- (d) as in claim 19, the fixed element 20a, 20b is a magnetic assembly which comprises one or more permanent magnet 11a, 17b connected to the second yoke assembly 16b configured to generate the magnetic field (Fig. 2);
- (e) as in claim 19, a first coil 20a configured to generate a first motive force in a first direction in response to the magnetic flux of the magnetic field (Fig. 2); and
- (f) as in claim 19, a second coil 21a configured to generate a second motive force in a second direction in response to the magnetic flux of the magnetic field (Fig. 2).

8. Claim 20 has limitations similar to those treated in the above rejection, and is met by the reference as discussed above.

9. Claims 21, 22 and 24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lee et al. (U.S. Patent 5,105,408).

Lee teaches an objective lens driver having all the elements and means as recited in claims 21 and 22. For example, Lee teaches the following:

(a) as in claim 21, a movable element 30 having an objective lens 44 (Fig. 2);

(b) as in claim 21, the movable element 30 does not attach to a permanent magnet, a tracking coil, and a focusing coil (Fig. 2); and

(c) as in claim 22, a fixed element 22 comprising the permanent magnet, the tracking coil, and the focusing coil so as to generate a magnetic flux which moves the movable element 30 (Figs. 1 and 2; column 2, lines 48-60; actuator 22 includes magnet and coils).

10. Method claim 24 is drawn to the method of using the corresponding apparatus claimed in claims 21 and 22. Therefore method claim 24 corresponds to apparatus claims 21 and 22 and is rejected for the same reason of anticipation as used above.

11. Claim 23 is rejected under 35 U.S.C. § 102(b) as being anticipated by Kume et al. (U.S. Patent 5,541,899).

Kume teaches an object lens drive having all the elements and means as recited in claim 23. For example, Kume teaches the following:

- (a) a movable element 12 having an objective lens 11 and a yoke 16a (Fig. 2);
- (b) a fixed element 20a, 21a adjacent to the movable element 12 to form a gap (Fig. 2); and
- (c) the fixed element comprising a permanent magnet 17a , a tracking coil 21a, and a focusing coil 20a for generating a magnetic flux across the gap which moves the movable element (Fig. 2).

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C.
20231 Or faxed to:

(703) 872-9306 (for formal communications intended for entry. Or:

(703) 746-6909, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim CHU whose telephone number is (703) 305-3032 between 9:30 am to 6:00 pm, Monday to Friday.

kk 5/28/04

Kim-Kwok CHU
Examiner AU2653
May 28, 2004

(703) 305-3032


WILLIAM KORZUCH
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